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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2476

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,587	Applicant(s) ALVAREZ AREVALO ET AL.	
	Examiner Andrew C. Lee	Art Unit 2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/06/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 12 – 18 are newly added.

Claims 1 – 18 are pending.

Claim Objections

2. Claim 4 is objected to because of the following informalities:

Regarding claim 4, the pronoun “it” should be amended as “said receiver”, and “the buffer” should be amended as “said receiver buffer”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 2, 3, 4, 5, 9, 12, 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Regarding claim 1, the amended claim subject matter “the start of transmission of data section comprising one or more data packets of said data sequence to the receiver would, if the receiver commences at the same point in time..” was not described and disclosed in the original specification at the time the application was initially filed. Clarification and appropriate correction are required.

Regarding claim 2, the amended claim subject matter “a first data section”, and the respectively following data section” were not described and disclosed in the original specification at the time the application was initially filed. Clarification and appropriate correction are required.

Regarding claim 3, the amended claim subject matter “said first data section” was not described and disclosed in the original specification at the time the application was initially filed. Clarification and appropriate correction are required.

Regarding claim 4, the amended claim subject matter “the first data section” was not described and disclosed in the original specification at the time the application was initially filed. Clarification and appropriate correction are required.

Regarding claim 5, the amended claim subject matter “different data section”, and “said first data section” were not described and disclosed in the original specification at the time the application was initially filed. Clarification and appropriate correction are required.

Regarding claim 9, the amended claim subject matter “first or early data section”, “subsequent data section”, and “the preceding data section” were not

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described and disclosed in the original specification at the time the application was initially filed. Clarification and appropriate correction are required.

Regarding claim 12, the amended claim subject matter “a real-time data sequence”, and “data section” were not described and disclosed in the original specification at the time the application was initially filed. Clarification and appropriate correction are required.

Regarding claim 16, the amended claim subject matter “a data player for playing of said received data”, and data section” were not described and disclosed in the original specification at the time the application was initially filed.

Clarification and appropriate correction are required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims 1, 16, 17, 18 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For instance, in claim 18, the claim subject matter “at the server analysing the whole of the recording to determine a point in the transmission data sequence of the recording at which the start of transmission of a data section of said recording to the receiver would, if the receiver commences playing at the same point in time as said transmission data sequence transmission is started said data

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held in said receiver buffer, result in a receiver buffer underflow state not occurring” has run-on sentences and fused sentences problems. Clarification and appropriate correction are required.

Claims 1, 16 and 17 have similar discrepancies as claim 18. Clarification and appropriate correction are required.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters “at the same point in time”, and “when this point in time” are indefinite and not clear. It is unclear what applicant means by at the same point in time and when this point in time refers to. The timeline is very ambiguous and is not definite? Clarification and correction is required.

Claim 1 recites the limitation “the same point in time” in lines 11 – 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters “it” in line 8 is not clear. It is unclear what applicant means by “it” in the claimed subject matter “that it covers a playing time...” refers to. The pronoun “it” is very ambiguous and is not definite? Clarification and correction is required. The claim subject matter “the extent to which ..” is ambiguous. It is not clear what “the extent to which” means and refers to. Clarification and correction is required. The claim

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subject matter “its” is also very ambiguous. It is not clear what “its” means and refers to in the claim. Clarification and correction is required.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters “at the same point in time”, and “when this point in time” are indefinite and not clear. It is unclear what applicant means by at the same point in time and when this point in time refers to. The timeline is very ambiguous and is not definite? Clarification and correction is required.

Claim 2 recites the limitation “the condition” in line 6, the limitation “the maximum of the timing error” in line 7, the limitation “the transmission time of the respective following section” in lines 8 – 9, the limitation “the receiver” in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation “the buffer contents” in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters “withholding transmission of an initial part of the recording unit the remainder of said first data section has been transmitted; and transmitting said initial part” is very ambiguous. It is unclear which device/apparatus is conducting and performing all these method steps. Clarification and correction is required.

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Claim 6 recites the limitation "the remainder of said first data section" in lines 3 - 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the identified data section" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters "them". It is unclear what applicant means by "them" refers to

Claim 9 recites the limitation "the preceding data section" in lines 7 - 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the identified data section in the recording" in lines 13 - 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters "it" in line 8 is not clear. It is unclear what applicant means by "it" in the claimed subject matter "that it covers a playing time..." refers to. The pronoun "it" is very ambiguous and is not definite? Clarification and correction is required. The claim subject matter "the extent to which.." is ambiguous. It is not clear what "the extent to which" means and refers to. Clarification and correction is required. The claim subject matter "its" is also very ambiguous. It is not clear what "its" means and refers to in the claim. Clarification and correction is required.

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Claim 14 recites the limitation "the transmission times of the respective following data sections" in lines 2 – 3, and "the last data section in the data sequence" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the results of the analyzing" in line 2, and "the preceding data packet" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters "as soon as" in line 4 is not clear. It is unclear what applicant means by "as soon as" in the claimed subject matter refers to. Clarification and correction is required.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters "a point in time ", and "at the same point in time" are indefinite and not clear. It is unclear what applicant means by a point in time and at the same point in time refers to. The timeline is very ambiguous and is not definite? Clarification and correction is required.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters "a point in time ", and "at the same point in time", and "only when this point in time"

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are indefinite and not clear. It is unclear what applicant means by “a point in time” and “at the same point in time”, and “only when this point in time” refer to. The timeline is very ambiguous and is not definite? Clarification and correction is required.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recited claimed subject matters “a point in time”, and “at the same point in time” and “only when this point in time” are indefinite and not clear. It is unclear what applicant means by “a point in time” and “at the same point in time”, and “only when this point in time” refer to. The timeline is very ambiguous and is not definite? Clarification and correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Harumoto et al. (US 7016970 B2).

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Regarding claim 1, Harumoto et al. disclose a method of transmitting a recording comprising a sequence of data packets from a server to a receiver (*Fig. 1, Fig. 20, col. 2, lines 54 – 57; col. 4, lines 6 – 9, col. 9, lines 38 – 46*), the method comprising: commencing transmission of the sequence of data packets at the server (*col. 2, lines 56 – 60, col. 9, lines 42 – 46*); holding received data in a receiver buffer at said receiver (*“elements 507, 505, Fig. 3, col. 10, lines 16 – 18*); and commencing playing of said received data (*“the data which is played back...”*; *col. 10, lines 21 – 28*), wherein the method further comprises: at the server analysing the whole of the recording to determine a point in time at which the start of transmission of data section comprising one or more data packets of said data sequence to the receiver would, if the receiver commences at the same point in time playing said data held in said receiver buffer, result in a receiver such that no buffer underflow state not occurring (*Fig. 4, col. 12, lines 61 – 67, col. 13, lines 1 – 20; Fig. 21B, col. 3, lines 17 – 25, “the buffer will not underflow”*); and at the receiver commencing playing of said received data only when this point in time has been reached (*col. 13, lines 21 – 30*).

Regarding claim 2, Harumoto et al. disclose a method as claimed wherein the whole of the recording is analyzed to identify a first data section at the beginning thereof which meets a condition that it covers a playing time interval greater than or equal to a maximum of the extent to which a transmission time of the respective following data section exceeds its playing time interval for a following data section of any length (*Fig. 9, col. 17, 37 – 65*); and causing the

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receiver to commencing playing of received data only after said first section has been received (*col. 19, lines 51 – 56*).

Regarding claim 3, Harumoto et al. disclose a method claimed comprising, after transmission of said first data section, transmitting an instruction to the receiver to commence playing (*Fig. 4, “OK”; col. 10, lines 47 – 55*).

Regarding claim 4, Harumoto et al. disclose a method claimed comprising transmitting to the receiver an instruction specifying the first data section and wherein the receiver commences playing when it recognises that the first data section is in the buffer (*Fig. 4, “OK”; col. 10, lines 47 – 55, col. 13, lines 21 – 30*).

Regarding claim 5, Harumoto et al. disclose a method claimed, in which at the server, said analyzing comprises computing said maximum timing error values for different data sections of the sequence, and the receiver, comparing the values with the buffer contents to recognise when said first data section is in the buffer (*“T_{delay}”; Fig. 4, col. 12, lines 56 – 65, col. 13, lines 8 – 20*).

Regarding claim 6, Harumoto et al. disclose a method claimed comprising: withholding transmission of an initial part of the recording until the remainder of said first data section has been transmitted; and transmitting said initial part; wherein the receiver commences playing only when said initial part is received (*Fig. 4, col. 12, lines 2 – 28*).

Regarding claim 7, Harumoto et al. disclose a method claimed including: performing the analysis in advance of said transmission of said data sequence to the receiver (*“the number of packets to be transmitted in the unit time is*

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determined in advance....”; col. 11, lines 30 – 44); and marking the identified data section in the recording prior to its transmission (Fig. 4, col. 12, lines 2 – 14).

Regarding claim 8, Harumoto et al. disclose a method claimed wherein said analyzing includes: computing, in advance, timing error values corresponding to a plurality of transmitting data rates and storing them; and subsequently estimating therefrom an error value corresponding to an actual transmitting data rate (*col. 13, lines 8 – 14, col. 14, lines 8 – 21*).

Regarding claim 9, Harumoto et al. disclose a method claimed in which the analyzing comprises: testing a timing error parameter evaluated for successive portions of the recording, wherein the timing error parameter is firstly calculated in respect of a first or early data section of the recording and the timing error parameter for subsequent data sections portions is obtained by updating the parameter obtained for the preceding data section (*Fig. 6, col. 13, lines 47 – 64*).

Regarding claim 10, Harumoto et al. disclose a method claimed in which the recording is a video recording (*“video and audio is stored”; col. 9, lines 40 – 44*).

Regarding claim 11, Harumoto et al. disclose a method claimed in which the recording is an audio recording (*“video and audio is stored”; col. 9, lines 40 – 44*).

Regarding claim 12, Harumoto et al. disclose a method claimed wherein the recording comprises a real-time data sequence from a data store accessed by said server (*Fig. 2, element 411, storage device stores data such as video and audio”; col. 9, lines 51 – 60*) wherein the server (*Fig. 2, element 101, server, col.*

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9, lines 51 – 60) comprises a transmitter and a control unit, the transmitter being arranged to output the recording via a network to said receiver, the control unit being arranged to receive requests from the receiver for delivery of a said real-time data sequence and to read data sections, each data section comprising a plurality of data packets, said data sections forming said requested data sequence, from the store for sending to the transmitter (*“transmission/ reception module includes a network controller”*; Fig. 2, col. 9, lines 61 – 66, col. 10, lines 1 – 10), wherein the method further comprises: said control unit analysing the whole of the recording to determine a data section at which if the receiver commences playing received data sections of said data sequence results in a receiver buffer underflow state not occurring (Fig. 4, col. 12, lines 61 – 67, col. 13, lines 1 – 20; Fig. 21B, col. 3, lines 17 – 25, *“the buffer will not underflow”*), wherein said analysis is performed by said control unit in advance of said transmission of said data sequence to the receiver (*“the number of packets to be transmitted in the unit time is determined in advance....”*; col. 11, lines 30 – 44); and wherein said control unit marks the identified data section in the recording prior to its transmission (Fig. 4, col. 12, lines 2 – 14).

Regarding claim 13, Harumoto et al. disclose a method claimed wherein the recording is transmitted in a network from the server to the receiver at a fluctuating transmitting data rate which is not known when the whole of the recording is analysed to identify a first data section at the beginning thereof which meets the condition that it covers a playing time interval greater than or equal to the maximum of the extent to which the transmission time of the respective

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following data section exceeds its playing time interval for a following data section of any length (*Fig. 20, col. 2, lines 56 – 66; Fig. 9, col. 17, 37 – 65*); and causing the receiver to commencing playing of received data only after said first section has been received (*col. 19, lines 51 – 56*).

Regarding claim 14, Harumoto et al. disclose a method claimed wherein said analysing comprises: determining prior to transmission of said data section if the transmission times of the respective following data sections exceed the playing time interval of said data section for any length of following data sections, from the time of transmission of said data section up to the last data section in the data sequence (*Fig. 9, col. 17, lines 37 – 65*).

Regarding claim 15, Harumoto et al. disclose a method claimed wherein said analysing is performed for each data packet in said data section using the results of the analysing already made for the preceding data packet in said data section, and wherein the receiver commences playing received data as soon as it receives a data packet passing said analysis (*Fig. 12, col. 18, lines 29 – 50*).

Regarding claim 16, Harumoto et al. disclose a server (*Fig. 1, element 101, server*) for transmitting a recording comprising a sequence of real-time data packets from the server to a receiver (*Fig. 1, Fig. 2, element 411, storage device stores data such as video and audio”; col. 9, lines 51 – 60*) comprising a receiver buffer arranged to hold data received at the receiver (*element 505, “reception buffer”, Fig. 3*) and a data player for playing of said received data (*element 510, playback module, Fig. 3*), the server being arranged to access a data store accessed by said server (*Fig. 2, element 411, storage device stores data such as*

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video and audio”; col. 9, lines 51 – 60), wherein the server comprises: a transmitter (element 402, transmission/reception module, Fig. 2, col. 9, lines 61 – 67); and a control unit (element 412, CPU, Fig. 2, col. 10, lines 3 – 10), wherein the transmitter is arranged to output the recording via a network to said receiver (col. 9, lines 61 – 67) wherein the control unit is arranged to receive requests from the receiver for delivery of a real-time data sequence and to read data sections, each data section comprising a plurality of said real-time data packets, said data sections forming a said requested data sequence, from the store for sending to the transmitter (col. 10, lines 3 – 10, col. 19, lines 4 – 10), wherein the control unit is arranged to analyse the whole of the recording to determine a point in time at which the start of transmission of a data section comprising one or more data packets of said data sequence to the receiver would, if the receiver commences at the same point in time playing said data held in said receiver buffer, result in a receiver buffer underflow state not occurring (Fig. 4, col. 12, lines 61 – 67, col. 13, lines 1 – 20; Fig. 21B, col. 3, lines 17 – 25, “the buffer will not underflow”).

Regarding claim 17, Harumoto et al. disclose a method of transmitting a recording from a server to a receiver (*Fig. 1, Fig. 20, col. 2, lines 54 – 57; col. 4, lines 6 – 9, col. 9, lines 38 – 46*), the method comprising: commencing transmission of the recording at the server (*col. 2, lines 56 – 60, col. 9, lines 42 – 46*); holding received data from said recording in a receiver buffer at said receiver (*“elements 507, 505, Fig. 3, col. 10, lines 16 – 18*); and commencing playing of said received data (*“the data which is played back...”*; *col. 10, lines 21 – 28*),

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wherein the method further comprises: at the server analysing the whole of the recording to determine a point in time at which the start of transmission of a data section of said recording to the receiver would if the receiver commences at the same point in time playing said data held in said at the receiver commencing playing of said received data held in said buffer only when this point in time has been reached (*Fig. 4, col. 12, lines 61 – 67, col. 13, lines 1 – 20; Fig. 21B, col. 3, lines 17 – 25, col. 13, lines 21 – 30*).

Regarding claim 18, Harumoto et al. disclose a method of transmitting a recording from a server to a receiver (*Fig. 1, Fig. 20, col. 2, lines 54 – 57; col. 4, lines 6 – 9, col. 9, lines 38 – 46*), the method comprising: commencing transmission of the recording at the server (*col. 2, lines 56 – 60, col. 9, lines 42 – 46*); holding received data from said recording in a receiver buffer at said receiver (*“elements 507, 505, Fig. 3, col. 10, lines 16 – 18*); and commencing playing of said received data (*“the data which is played back...”*; *col. 10, lines 21 – 28*), wherein the method further comprises: at the server analysing the whole of the recording to determine a point in the transmission data sequence of the recording at which the start of transmission of a data section of said recording to the receiver would, if the receiver commences playing at the same point in time as said transmission data sequence transmission is started said data held in said receiver buffer, result in a receiver buffer underflow state not occurring (*Fig. 4, col. 12, lines 61 – 67, col. 13, lines 1 – 20; Fig. 21B, col. 3, lines 17 – 25, “the buffer will not underflow”*); and at the receiver commencing playing of said received data

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held in said buffer only when this point in time has been reached (*col. 13, lines 21 – 30*).

Response to Arguments

8. Applicant's arguments with respect to claims 1 – 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Fung (5949410).
- b) Rosenau et al. (5598352).
- c) Veltman (5481543).
- d) Lyons et al. (6101195).
- e) Yahata et al. (US 20040240856 A1).
- f) Leaning et al. (US 7447791 B2)

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2476
<11/16/2009:1Qy10>
/Ayaz R. Sheikh/

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Supervisory Patent Examiner, Art Unit 2476